

Veterans Small Business Enhancement Act  
NASASP Questions

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**Paperwork & Records**

1. Are SASP's required to sign the MOA?
  - a. No. Participation is optional, but all SASPs are encouraged to sign.
  
2. If a SASP opts out and veterans cannot get property in that state, is this in violation of the law?
  - a. No. SASPs will not be in violation of the law if they do not sign, but all SASPs are encouraged to sign.
  
3. Does the MOA with SBA, GSA and the SASPs need to be updated to reflect the transition of the VETS First verification program from VA to SBA?
  - a. GSA consulted with SBA on this. The MOA can be updated in the future, but does not need to be done so immediately. Per the 2021 NDAA which transferred the VOSB verification function from VA to SBA
    - i. 2021 NDAA Subsection (g)(5)(A):  
CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—
      - (i) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this subsection; and
      - (ii) which are in effect on the transfer date, or were final before the transfer date and are to become effective on or after the transfer date, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator of the Small Business Administration or other authorized official, a court of competent jurisdiction, or by operation of law.
    - ii. GSA and SBA will be updating the MOA, however only newly participating states will be required to execute it.

4. Is there a specific file retention schedule or do we follow our current State Plan?
    - a. SASPs should follow their State Plan and the requirements of FMR 102-37 Appendix B (p). The minimum retention time is the current year plus 3 more years.
  5. Are electronic signatures permitted?
    - a. Please see the *Use of Electronic Signatures by SASPs and Donees* memo for more information on which forms of electronic signatures are acceptable.
  6. What reporting requirements do SASPs have for Veteran Owned Small Businesses?
    - a. Participating SASPs will report donations to VOSBs on their 3040 report submission each quarter as they normally do for all donations. A “SBA VOSB” field has been added to the 3040 reporting function in PPMS. Additionally, GSA or SBA may require additional reports from time to time (FMR §102-37.360).
  7. Does the Single Audit Act, also known as Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. §200, formerly found in OMB Circular A-133) apply to VOSBs?
    - a. Per SBA, the Single Audit Act does not apply to small businesses.
      - i. Note: 2 C.F.R. §200.1 defines Non-Federal entity as “a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.” As small businesses are for profit entities, they fall outside of the regulatory definition of a Non-Federal entity that would be required to obtain an audit under this regulation.
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## VOSB Certification & Eligibility

8. In regards to the VOSB self-certifications:
  - a. Can VOSBs self-certify for the program?
    - i. No - VOSBs can not self-certify for the Federal Surplus Personal Property Donation Program (although a firm could self-certify until 1 January 1, 2024 to be eligible for **Non-VA** Federal contract set aside and sole-source opportunities for SDVOSBs and VOSBs).
9. If a VOSB is listed on the SBA [Veteran Small Business Certification \(VetCert\)](#) website:
  - a. Are SASPs safe in the assumption that they are not self certified?
    - i. Yes, it is safe to assume firms visible in the public VetCert Search portal are **not** self-certified.
  - b. Are all VOSBs listed here approved to participate in the program?
    - i. Yes, it is safe to assume firms visible in the public VetCert Search portal are approved to participate in the SBA VetCert Program. If questions arise regarding the certification status of a firm, feel free to contact:
      1. SBA VetCert Support at: (800) 862-8088

2. Ozell Johnson, at: (202) 389-6606 or  
[VetCertCO-Counselor@sba.gov](mailto:VetCertCO-Counselor@sba.gov)

10. Does VOSB eligibility expire? Do they ever have to renew or update their eligibility?
  - a. Yes. VOSBs have to recertify every 3 years. When granting eligibility, SASPs should notate the verification expiration date for the VOSB and re-verify the VOSBs eligibility by the expiration date in order to verify their continued eligibility.
11. Can a VOSB apply for eligibility using a home address?
  - a. A VOSB may only apply using a home address if that home address is listed on their SBA Certification.
12. Can VOSBs that are located in or operate in more than one state obtain property from any SASP where they are located in or operate in?
  - a. VOSBs must have both a physical location and operate in the state to become eligible with that state's SASP. Additionally, VOSBs must acquire property from the SASP in the state where the property will primarily be located and must obtain permission from the donating SASP before permanently removing the property from the state.
  - b. For how long may a VOSB remove an item from the donating state before SASP approval is needed? GSA recommends SASPs use 6 months (e.g. a VOSB must obtain approval from the SASP before removing the item for 6 months or more).
13. Are there any business types that are excluded from the program?
  - a. [SBA] Yes. Generally, SBA's programs do not provide benefits to certain ineligible businesses. Ineligible businesses include those engaged in illegal activities, loan packaging, speculation, multi-sales distribution, gambling, investment or lending, or where the owner is on parole.
14. What are the business revenue thresholds for veteran-owned small businesses to be considered "small" for VOSB verification?
  - a. SBA uses the government-wide size standards that are established by SBA. Information on the size standards, including a complete listing of NAICS codes and a size standards tool (calculator), can be found at <https://www.sba.gov/document/support-table-size-standards>
15. Can a VOSB who has applied for SBA verification, but is not yet verified, receive conditional eligibility in the donation program?
  - a. VOSBs must be fully verified by SBA and **cannot** receive conditional eligibility for the donation program.
16. Can SBA-verified VOSBs that are also SBA 8(a)s receive property under either program (MOA)?
  - a. Yes, a business that is an SBA 8(a) and also a SBA-verified VOSB would be able to obtain property under either program (if the donating SASP has executed both MOAs with GSA and SBA).

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## Acquiring & Using Personal Property

17. How will VOSBs be able to receive property if they live in a state with no signed MOA?
  - a. Generally, the VOSB will not be able to receive property unless their State has signed the MOA. To date, 48 states have signed the MOA.
  - b. In some instances, a state that has not signed the agreement may create a cooperative MOU with an adjacent state (that has signed the MOU) allowing the state that has signed the MOU to donate property to VOSBs.
    - i. The states must execute a cooperative agreement
    - ii. The cooperative agreement must be agreed to by both states as well as GSA and SBA.
    - iii. The states entering into the cooperative agreement must be geographically adjacent to each other. (FMR §102-37.335)
18. Will VOSBs be permitted to acquire reimbursable items?
  - a. No. VOSBs cannot purchase reimbursable items by negotiated sale at fixed price since they are not public bodies. (40 U.S.C. § 545 (b)(8))
19. Can VOSBs that are located in or operate in more than one state obtain property from any SASP where they are located in or operate in?
  - a. VOSBs must have both a physical location and operate in the state to become eligible with that state's SASP. Additionally, VOSBs must acquire property from the SASP in the state where the property will primarily be located and must obtain permission from the donating SASP before permanently removing the property from the state.
20. Can a VOSB move property from one state to another in order to conduct its business?
  - a. Yes, but the VOSB must alert the SASP if they plan to move property between state lines and must get permission from the SASP if they plan to remove it for a period greater than 6 months.
21. For how long may a VOSB remove an item from the donating state before SASP approval is needed?
  - a. GSA recommends SASPs use 6 months (e.g. a VOSB must obtain approval from the SASP before removing the item for 6 months or more).
22. Can a VOSB with a core business activity of renting out property acquire Federal Surplus assets for the purpose of renting out those assets?
  - a. No. A central provision within the donation's terms of conditions -- 13 CFR 129.201(c)(1)(iii) -- is that the donee does not transfer property during the period of restriction. The VOSB entity itself must be the one using the donated property for an authorized purpose.
23. Can VOSBs request firearms?

- a. No. As of 2024, GSA no longer donates firearms to ANY recipient (prior to 2024, firearms were only donated to “eligible law enforcement entities” per FMR § 102–40.175).
24. Who determines if the proposed intended use is acceptable for the type of business or what is considered normal business activities? There may likely be cases where a small business donee may request something that does not appear to be related to their business needs. For example, could a small business request a military helicopter for static display in front of their business? The SBA regs (below) touch on this, but GSA and the SASPs do not have guidelines for businesses. Presently, for 8(a)s the district offices approve requests for property ensuring it aligns with donee’s business plan, and conducts compliance on the donated property.
- 13 C.F.R. § 125.100 (c) (1)*
- (i) As to what the intended use of the surplus personal property is to be;*
  - (ii) That it will use the property to be acquired in the normal conduct of its business activities as required by GSA and SASP requirements and guidelines or be liable for the fair rental value from the date of its receipt;*
- a. GSA recommends SASPs document the alignment of VOSB property requests with their business needs.
  - b. Generally, SBA is of the position that “marketing” as used in the example above does not align with the normal course of business. The marketing in this instance is clearly an ancillary activity to the normal conduct of the business.
  - c. Each of these situations should be evaluated on a case by case basis to determine if the request aligns with the VOSB’s normal course of business. If situations arise where the SASP needs guidance, they can reach out to the SBA Area Offices or Area Directors for assistance.
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## Compliance

25. Who do SASP’s send compliance issues to?
- a. You should send your compliance issues to both GSA and SBA. The GSA POCs are based on geographical location. You can use the [GSA Regional Map](#) to identify your region, and then contact the appropriate GSA POC from the list below.
    - i. GSA POCs:
      - 1. GSA Mid-Atlantic Zone for eastern states (regions 1-5 & 11):
        - a. Joe Hvorecky, [joe.hvorecky@gsa.gov](mailto:joe.hvorecky@gsa.gov)
      - 2. GSA Southwest Central Zone for western states (regions 6-10):
        - a. Tara Malone, [tara.malone@gsa.gov](mailto:tara.malone@gsa.gov)
    - ii. SBA POCs:
      - 1. Amy Kim, Area Director, Area 2, 409 3rd Street SW, Washington, DC 20416, [Amy.kim@sba.gov](mailto:Amy.kim@sba.gov)
      - 2. Nick Manalisay, Area Director, Area 6, 811 Wilshire Blvd., Suite 400, Los Angeles, CA 90017, [Nicholas.Manalisay@sba.gov](mailto:Nicholas.Manalisay@sba.gov)

26. If the VOSB is suspended from the program, can they ever get back in?
- a. Yes. The VOSB can work with SBA to reestablish their eligibility.
  - b. Typically GSA and the SASPs “temporarily defer” donees with past infractions. Temporary deferral may be lifted when an approved letter of corrective action is submitted to the SASP and GSA, and all corrective actions are completed.
27. Should a VOSB that has established separate program eligibility in multiple States, but becomes temporarily deferred in one State, be permitted to continue to receive Federal donations in the other States where program eligibility has also been established?
- a. No. Per FMR 102-37.445, a prerequisite for receiving Federal personal property is that a donee must certify that it is not currently excluded from receiving Federal personal property donations elsewhere.
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### **Contacts & Additional Information**

28. Is there a list of local SBA POCs who can assist with VOSB questions, such as issues with eligibility or compliance?
- a. For questions regarding VOSB/SDVOSB CERTIFICATION, please contact:
    - a. SBA VetCert Support at (800) 862-8088, or
    - b. [VetCertCO-Counselor@sba.gov](mailto:VetCertCO-Counselor@sba.gov)
  - b. For questions regarding or compliance or issues, please contact:
    - a. Cordell Smith at [Cordell.Smith@va.gov](mailto:Cordell.Smith@va.gov).
29. Will SBA update their website?
- a. SBA has updated information on the [Veteran contracting assistance programs](#) page of their website. They also have a [one-page brochure](#).
  - b. For questions or to suggest updates to outdated information, please contact the SBA contacts shared in question 30.